

from opening the said rail road through it. No such appointment, however, shall be made, unless ten days' previous notice, in writing, of the application, shall have been given to the owner of the land, or to the guardian, if the owner be an infant or *non compos mentis*, if such owner or guardian can be found within the county ; or if he cannot be found, then such appointment shall not be made, unless notice of the application shall have been published at least one month in some public newspaper published at Halifax. A day for the meeting of the freeholders to perform the duties assigned them, shall be designated in the order appointing them ; and any one or more of them attending on that day, may adjourn from time to time, until the business shall be finished : of the five freeholders so appointed, any three or more of them may act, after having been duly sworn or solemnly affirmed, before some justice of the peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land from opening the said rail road through the same ; and that they will certify their proceedings thereupon to the court of the said county.

6. *Be it further enacted*, That it shall be the duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land through which the rail road is to be opened, and after viewing the same and hearing such proper evidence as either party may offer, to ascertain, according to their best judgment, the damages which the owners of the land will sustain by opening the rail road through the same. In performing this duty, they shall consider the proprietor of the land as being the owner of the whole fee simple interest ; they shall take into consideration the quantity and quality of the land which the rail road will occupy, the additional fencing or gates that will be required thereby, and all other inconveniences which will result to the said land from the opening of the said rail road ; and shall combine therewith a just regard to the advantages which the owner of the land will derive from opening the rail road through the same.

7. *Be it further enacted*, That when the said freeholders shall have agreed upon the amount of the damages, they shall forthwith make a written report of their proceedings under their hands and seals, in substance as followeth : " We,                      freeholders, appointed by order of the court of                      for the purpose of ascertaining the damages which would be sustained by                      the proprietor of certain lands in said county through which the Halifax and Weldon Rail Road Company propose to open a rail road, do hereby certify that we met together on the land aforesaid on the                      day of                      the day appointed for that purpose by the said order, (or the day to which we were regularly adjourned from the day appointed for our meeting by the said order, as the case may be ;) and that first having been duly sworn, or affirmed, and having viewed the premises, we proceeded to estimate the quantity and quality of the land aforesaid which would be occupied by the said rail road, the quantity of additional fencing or gates which would be probably occasioned thereby, and all other inconveniences